



The Environmental Notice

April 23, 2019

David Y. Ige, Governor
Scott Glenn, Director

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



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ANNOUNCEMENTS


- The Hawai'i Senate confirmed Ronald Terry and Barbara Ka'aumoana to their second terms as members of the Environmental Council; Scott Glenn was also reconfirmed as Director of the Office of Environmental Quality Control.
- As the [proposed new rules](#) for the environmental review process are being considered for approval by the Governor, we encourage all practitioners and interested members of the public to familiarize yourselves with the [details](#) of the rules; [this document](#) in particular shows the changes between the current and proposed rules.
- An online submittal form will soon be available on the [OEQC website](#) to facilitate the process of submitting electronic documents for publication. Stay tuned for details!

STATEWIDE MAP OF NEW HRS CHAPTER 343 ACTIONS




HAWAII

Kaloko Affordable Housing--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (9)(A) Propose any wastewater treatment unit ...	
District(s)	North Kona	
TMK(s)	(3) 7-3-009:032	
Permit(s)	Various (see document)	
Approving Agency	Hawaii'i Housing Finance and Development Corporation, State of Hawaii'i Janice Takahashi, (808) 587-0639, janice.n.takahashi@hawaii.gov 677 Queen Street, Suite 300, Honolulu, HI 96813	
Applicant	Hawaii Island Community Development Corporation; 100 Pauahi Street, Suite 204, Hilo, HI 96720 Jeremy McComber, (808) 319-2428, jeremy.hicdc@gmail.com	
Consultant	Stantec Consulting Inc. and Geometrician Associates; P.O. Box 191, Hilo, HI 96721 Michele Lefebvre, (808) 494-2039, michele.lefebvre@stantec.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 23, 2019. Please send comments to the approving agency and copy the applicant and the consultant.	

Hawaii Island Community Development Corporation proposes to construct an affordable housing project with approximately 111 two- and three-bedroom units, complete with a full kitchen and at least one bathroom per unit. Each unit would measure approximately 750 square feet. A centrally-located community center would provide onsite property management space, a kitchen, private meeting rooms, communal gathering space, mailboxes, and laundry facilities. The site would be landscaped, with common gathering, circulation and play areas. Parking for tenants would be included. For wastewater treatment, the project proposes to tie in to the County of Hawaii's Kealahou's Wastewater Treatment Plant. However, depending on timing of the agreement with the County on the sewer tie-in, a portion of the parcel may also be used for a self-contained wastewater treatment plant for wastewater generated onsite until completion of a proposed sewer line. The proposed project's design is sensitive to the unique environment of North Kona and Kaloko and would minimize water use. Impacts from stormwater will be minimized via the use of infiltration features. Traffic impacts could be minimized with a turn lane on Hina Lani Street. No impacts to biological resources, historic or archaeological resources, or cultural sites or practices, are expected from the project.

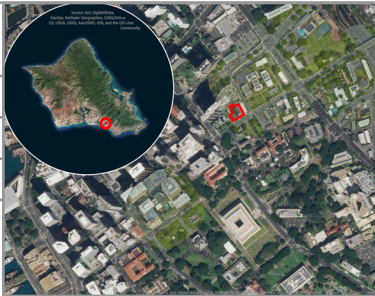
Makalapua Project District--Final EA (FONSI) Volume I, Volume II Appendices Part 1, Volume II Appendices Part 2

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	North Kona	
TMK(s)	(3) 7-4-008:002 (por.), 7-4-025:001, 002, 003, 005, 015, 021, 999 (por.), and 7-4-010:009, 010	
Permit(s)	Various (see document)	
Approving Agency	Department of Planning, County of Hawaii'i Jeffrey W. Darrow, Planner, (808) 961-8158, Jeff.Darrow@hawaiicounty.gov 101 Pauahi Street, Suite 3, Hilo, HI 96720	
Applicant	Lili'uokalani Trust; 1100 Alakea Street, Suite 1100, Honolulu, HI 96813 Michael Shibata, (808) 203-6150, MPD@onipaa.org	
Consultant	Munekiyo Hiraga; 305 High Street, Suite 104, Wailuku, HI 96793 Yukino Uchiyama, (808) 983-1233, planning@munekiyohiraga.com	
Status	Finding of No Significant Impact (FONSI) determination.	

The Lili'uokalani Trust (LT) proposes the development, enhancement, and refinement of approximately 67.21 acres of land in Kailua-Kona on the island of Hawaii as the Makalapua Project District. The proposed Makalapua Project District will include residential, hotel, retail, commercial, office, and civic/community uses. The Project District will be organized around an interconnected, pedestrian oriented street network where homes, businesses, and entertainment are intermingled to provide a diverse experience for residents and visitors. The proposed mixed-use project will include approximately 300 residential units, 220 rooms across two (2) hotels, a 50,000 square foot community performance facility, 470,000 square feet of commercial use, and a variety of open space features.

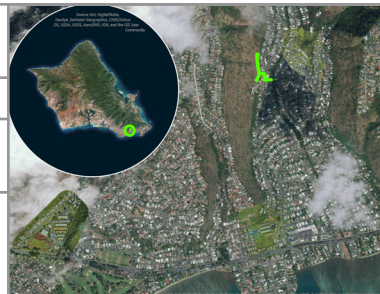
O'AHU

Queen Emma Building Adaptive Reuse for Affordable Housing--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Honolulu	
TMK(s)	(1) 2-1-009: 008 and 009	
Permit(s)	201H Approval, HTF Environmental Compliance, Special District, Building Permit	
Approving Agency	Hawai'i Housing, Finance and Development Corporation (HHFDC) Janice Takahashi, (808) 587-0639, janice.n.takahashi@hawaii.gov 677 Queen Street, Suite 300, Honolulu, HI 96813	
Applicant	Queen Emma Partners LP: 415D Uluniu Street, Kailua, HI 96734 Makani Maeva, (808) 263-7657, mm@ahigroup.com	
Consultant	Dudek & Associates, Inc.; 970 North Kalaheo Ave, Suite C206, Kailua, HI 96734 Kirstin Hochart, (808) 202-0022, kirstinhochart@gmail.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 23, 2019. Please send comments to the approving agency and copy the applicant and the consultant.	

An adaptive reuse of the Queen Emma Building is proposed to provide affordable housing for the State of Hawai'i in Downtown Honolulu. The Queen Emma Building has been vacant for over 10 years and partially demolished by previous owners. In response to the critical need for affordable housing, Queen Emma Partners, LP propose to renovate and repurpose the dilapidated, 12-story office building into a livable, multi-family residential use with 71 new affordable rental units for low-income families at or below 30% and 60% of AMI. The proposed project does not include demolition. The proposed adaptive reuse of the Queen Emma Building would maintain the existing footprint, height and elevations of the building and the parking lot and landscaping would also remain intact. The proposed project would restore and rehabilitate the Queen Emma Building in conformance with the U.S. Secretary of Interior's Standards for Rehabilitation, while also facilitating the critical need for affordable housing.

Ahuwale Ditch Storm Drainage Improvements--Draft EA (AFNSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district	
District(s)	Honolulu	
TMK(s)	Portions of [1] 3-6-04:018; 3-6-20:001 to 010; 3-6-17:034 to 037, 040, 065, 066, 077; and 3-6-20:020, 021	
Permit(s)	Department of the Army Permit (Clean Water Act Section 404), Clean Water Act Section 401 Water Quality Certification, Stream Channel Alteration Permit, Conservation District Use Permit, NPDES Permit, Community Noise Permit/Variance	
Proposing/ Determining Agency	Department of Design and Construction, City and County of Honolulu Edward Visaya, (808) 768-8807, edisaya@honolulu.gov 650 South King Street, 11th Floor, Honolulu, HI 96813	
Consultant	Jacobs Engineering; 1132 Bishop Street, Suite 1100, Honolulu, HI 96813 Nancy Nishikawa, (808) 440-0272, nancy.nishikawa@jacobs.com	
Status	Statutory 30-day public review and comment period starts. Comments are due by May 23, 2019. Please send comments to the approving agency and copy the applicant and the consultant.	

The City and County of Honolulu, Department of Design and Construction (DDC) proposes to implement improvements to the existing Ahuwale Ditch drainage system located adjacent to properties along Ahuwale Street and Aipuni streets, and the connected pipe drainage system. Improvements would include reinforcing the existing ditch channel with new concrete walls and installing new drain structures to increase the capacity of the existing drainline system that drains storm water collected at the ditch to the downslope Wailupe Stream. The bottom half of the drainline system would be replaced with a new drainline system parallel to the existing one. Following completion of the new drain system at this section, the existing drain system would be abandoned in place. A new outlet would be constructed at Wailupe Stream with placement of riprap adjacent to the outlet structure for scour protection. The existing concrete rubble masonry wall along the stream would be extended to transition with the new outlet location. Short-term, construction-related impacts (noise, dust, and erosion) would occur, but the implementation of best management practices would minimize the effects to the environment. No state or federally protected wildlife species occur in the project area. There are no eligible historic properties within the project area.


O'AHU (CONTINUED)

Hawaiian Memorial Park Cemetery Expansion--Final EIS Part 1, Part 2, Part 3

HRS §343-5(a) Trigger	(7) Propose any reclassification of any land classified as a conservation district	
District(s)	Ko'olaupoko	
TMK(s)	(1) 4-5-033: por. 001	
Permit(s)	State Land Use District Boundary Amendment, Grading Permit	
Approving Agency	State Land Use Commission Mr. Daniel Orodener, (808) 587-3827, daniel.e.oroedener@hawaii.gov 235 South Beretania Street, #406 Honolulu, HI 96813	
Applicant	Hawaiian Memorial Life Plan Ltd.; 1330 Maunakea Street, Honolulu, HI 96813 Mr. Jay Morford, (808) 522-5233, jay.morford@Dignitymemorial.com	
Consultant	HHF Planners; 733 Bishop Street, Suite 2590, Honolulu, HI 96813 Mr. Ronald Sato, (808) 457-3172, rsato@hhf.com	
Status	FEIS has been submitted and is pending acceptance by the approving agency/accepting authority, which has 30 days from date of receipt to determine acceptability.	

Hawaiian Memorial Life Plan, Ltd. (Petitioner) owns and manages Hawaiian Memorial Park (HMP), a cemetery located in Kāne'ohe on the Island of O'ahu. HMP provides the community with burial plots and multiple interment options. The Petitioner proposes to expand HMP given growth in O'ahu's aging population and demand for ground interment and inurnment spaces. Currently, less than 6% of individual HMP plots are available. Therefore, the Petitioner is asking the State of Hawai'i, Land Use Commission to reclassify 53.45 acres of their larger 164.4 acre property from the State Conservation District to the Urban District, allowing cemetery expansion to meet future needs. The property intended for reclassification is referred to as the "Petition Area." The Proposed Action involves two components: 1) expansion of HMP to include 28.2 acres of new cemetery space; and 2) creation of a 14.5-acre Cultural Preserve northeast of the cemetery expansion area. Remaining portions of the 164.4 acre property surrounding the Petition Area would remain undeveloped. A conservation easement is proposed to be placed on 156.5 acres of the larger parcel (less HMP's 7.9-acre Ocean View Garden section), restricting future development except for development of the Proposed Action.

Noelani Elementary School Library (Withdrawal of FEA/FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Honolulu	
TMK(s)	(1) 2-9-023: 029	
Permit(s)	County construction permits	
Proposing/ Determining Agency	Department of Education, State of Hawai'i John C.H. Chung, PWA, (808) 784-5040, John CH Chung@notes.k12.hi.us 3633 Wai'alae Avenue, Honolulu, HI 96816	
Consultant	Urban Works, Inc.; 831 Pohukaina Street, Suite E1, Honolulu, HI 96813 Lorrin Matsunaga, (808) 597-1155, lmatsunaga@uwarchitects.com	
Status	The proposing/determining agency is withdrawing the Final EA published on March 8, 2018.	

The Department of Education requests publication of the withdrawal of Noelani Elementary School, Library Building FEA/FONSI. As noted in a Withdrawal letter submitted to OEQC, the Potential Impacts and Mitigation Measures for Biological Resources, specifically on-site trees, were not accurately stated. The Department will make the necessary corrections and will file a second Draft EA.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. **Comments are due May 8, 2019** unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

MAUI

[West Maui Source Development Project--Draft EA \(AFNSI\) and Appendices](#)

MOLOKA'I

[Moloka'i Education Center Expansion-Draft EA \(AFNSI\)](#)

O'AHU

[Kapa'a Refuse Transfer Station Renovation--Draft EA \(AFNSI\)](#)

EXEMPTION DECLARATIONS

The State of Hawai'i, Department of Transportation (Harbors Division) has declared the following actions exempt from the requirement to prepare an EA pursuant to HAR § 11-200-8:

[Revocable Permit at Pier 60, Honolulu Harbor, O'ahu](#)

The Applicant, the Department of Customer Services, City and County of Honolulu, has experienced an increase in abandoned vehicles. In addition, the Applicant has reached a settlement with the U.S. Department of Justice regarding the treatment and processing of abandoned vehicles registered to active duty members of the U.S. Armed Forces. As such, the Applicant requires the use of these premises for the storage these vehicles to facilitate the removal of the vehicles from roadways under the jurisdiction of the City and County of Honolulu while the required administrative procedures are followed.

The DOT Harbors is in the process of redeveloping its properties in the Ke'ehi Industrial Park and most tenants have vacated these properties to accommodate the redevelopment. However, while the redevelopment is underway, the presence of the City and County of Honolulu in the Ke'ehi Industrial Park with the requirement for security presence will be beneficial in general and helpful in specifically deterring unauthorized access to these parcels.

[Six Revocable Permits at Pier 3, Nawiliwili Harbor, Kaua'i](#)

Currently, the Applicant (Young Brothers) has an existing month-to-month permit for support facilities for inter-island barge operations. The DOT Harbors has been reviewing all month-to-month permits to ensure compliance with and applicability to §171-55, HRS. To do so, the DOT Harbors is currently in the process of re-issuing all current revocable permits to accurately describe current land usage, designated permit locations as well as updating monthly rental charges to appraised market value.

APPLICATION FOR ACCRETION

Pursuant to HRS § 501-33, the following application for the registration of land accreted along the ocean has been submitted:

[Rigler Amended Petition for Registration of Title to Accretion](#)

Applicable Law: Petition for Registration of Title to Accretion under HRS Chapter 501-33 and Rule 26 of the Rules of the Land Court

Type of Document: Amended Petition for Registration of Title to Accretion

Island/District/TMK: O'ahu / Kailua, District of Ko'olaupoko / (1) 4-3-007:039

Applicant: Petitioners Margaret Rigler Taylor, Trustee of the Margaret Rigler Taylor Revocable Trust, Donald Gurney Rigler & Malia Ann Rigler, Co-Trustees of the Rigler Joint Revocable Trust, and Linda Rigler Rasmussen; c/o Janna Ahu, Esq., Dentons US LLP, 1001 Bishop St., Suite 1800, Honolulu, HI 96813 (808) 524-1800

Authority: Land Court, State of Hawai'i

Status: Amended Petition for Registration of Title to Accretion filed March 29, 2019

Project Summary: YOU ARE HEREBY NOTIFIED that Petitioners Margaret Rigler Taylor, Trustee of the Margaret Rigler Taylor Revocable Trust, Donald Gurney Rigler and Malia Ann Rigler, Co-Trustees of the Rigler Joint Revocable Trust, and Linda Rigler Rasmussen, have filed a petition for registration of title to accretion in the Land Court, State of Hawai'i, L.D. No. 18-1-0772, to register title to accreted land within lands identified as Lot 23-B, as shown on Map 7 of Land Court Application No. 505, Tax Map Key No. (1) 4-3-007:039, all situate, lying and being at Kailua, District of Ko'olaupoko, City and County of Honolulu, State of Hawai'i.

SHORELINE NOTICES

APPLICATIONS FOR SHORELINE CERTIFICATION

The shoreline certification applications below are available for review at the Department of Land and Natural Resources offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS § 205A-42 and HAR § 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of this public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Location	TMK	Applicant	Owner
OA-1862	47-407 Kamehameha Hwy, O'ahu 96744	(1) 4-7-009: 011	Walter P. Thompson, Inc.	Hawaii Rainbow Properties
OA-1863	276 N. Kalaheo Ave., O'ahu 96734	(1) 4-3-016: 008	Wesley T. Tengan	Stephen Seink/Shilpa Vijay Deshmukh
OA-1864	91-603 Pohakupuna Rd., O'ahu 96706	(1) 9-1-028: 040	Engineers Surveyors Hawaii, Inc.	Golden Lion Ewa Beach Ltd.
MA-715	3975 Lower Honoapi'ilani Rd., Maui	(2) 4-3-008: 002 & 003	Warren S. Unemori Engineering Inc.	Polynesian Shores Condominium
LA-020	State Highway #44, Lana'i	(2) 4-9-003: 010 & 4-9-002: 001 (por)	R.M. Towill	Lanai Resorts, LLC
HA-573	(unassigned street number) Hawai'i Belt Road	(3) 3-2-001: 001	Daniel Berg, dlb & associates, LLC	Lili' uokalani Tr, George Hirowatari
KA-440	4331 Kaua'i Beach Dr., Kaua'i, 96766	(4) 3-7-003: 015	Esaki Survyeing and Mapping, Inc.	EPG KBR Fee Owner LLC
KA-441	Wailua, Līhu'e, Kaua'i	(4) 3-9-006: 001	Esaki Survyeing and Mapping, Inc.	County of Kaua'i, Department of Parks and Recreation

PROPOSED SHORELINE CERTIFICATIONS AND REJECTIONS

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (HRS § 205A-42 and HAR § 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Status	Location	TMK	Applicant	Owner
OA-1848	Proposed	67-321 Kiapoko Pl., O'ahu 96791	(1) 6-7-014: 008	Jaime F. Alimboyoguen	Torsten Johnson
OA-1855	Proposed	59-817 Kamehameha Hwy., O'ahu 96712	(1) 5-9-004: 015	Kenn Nishihira	Hale Mana Kai LLC c/o Mark Ledbetter
OA-1858	Proposed	91-329, 91-333, 91-335, & 91-335A Papipi Rd., O'ahu 96706	(1) 9-1-134: 045 & 046	R.M. Towill Corporation	Haseko (Ewa) Inc.
OA-1859	Proposed	1201 Ala Moana Blvd., O'ahu 96814	(1) 2-3-037: 001 & 025	Park Engineering	Department of Park and Recreation
OA-1860	Proposed	84-223 Makau St., O'ahu 96792	(1) 8-4-009: 024	Walter P. Thompson, Inc.	Douglas Graves
MA-712	Proposed	569 Hana Hwy., Maui 96779	(2) 2-6-010: 017	R.T. Tanaka Engineers, Inc.	Sea & Believe LLC
MO-175	Proposed	Kamehameha V Hwy, Moloka'i	(2) 5-7-010: 004	Warren S. Unemori Engineering, Inc.	James Stephen Goodfellow
KA-438	Proposed	5520 Ka Haku Rd., Kaua'i 96722	(4) 5-4-011: 004 & 5-4-004: 035	Honua Engineering, Inc.	SOF-XI Kauai P.V. Hotel, L.P.
MA-713	Withdrawal	10450 Kamehameha V Hwy., Maui 96748	(2) 5-7-003: 005	Peter Fukunaga	Peter's Paradise LLC (Peter Fukunaga)
OA-1824	Rejection	47-129 Kamehameha Hwy., O'ahu 96744	(1) 4-7-001: 005	Wesley T. Tengan	Bryan Spicer, Trust

COASTAL ZONE MANAGEMENT NOTICES

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

The SMA Minor permits below have been approved (HRS § 205A-30). For more information, contact the relevant county/state planning agency. Honolulu (768-8014); Hawai'i (East 961-8288, West 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Hilo (2-1-015: 042)	Removal of a Fallen Bayan Tree and As-built 20' x 60' Tent (SMM 19-410)	Kamehameha Schools
Maui: Hana (1-4-005: 040)	Replace Existing Wastewater Treatment System (SM2 20190032)	Hana Kai Maui AOA
Maui: Lahaina (4-4-008: 022)	Kaanapali Alii Resort Garage Stall Repair (SM2 20190033)	Zahid Shafi
Maui: Pā'ia (3-8-001: 071)	Install Three Aluminum Carports (SM2 20190036)	Shaun Stodder
O'ahu: Kuli'ou'ou (3-8-003: 009)	New Aluminum Fence on an Existing Retaining Wall (2018/ SMA-60)	Best Vinyl Fence / Lokelani Sugihara

FEDERAL NOTICES

As a courtesy, listed below are relevant entries from the Federal Register published since the last issue of *The Environmental Notice*. For more information, click on the title link, also available at www.federalregister.gov.

Notice: [Endangered Species; Receipt of Recovery Permit Applications](#) (published by the Fish and Wildlife Service (FWS) on 04/17/2019)

The U.S. Fish and Wildlife Service has received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species including various Hawaiian birds under the Endangered Species Act of 1973, as amended. The public and local, State, Tribal, and Federal agencies are invited to comment on these applications. Before issuing any of the requested permits, FWS will take into consideration any information that received during the public comment period. **FWS must receive your written comments on or before May 17, 2019.** Please click on the linked title to this entry for additional information.

Notice: [Western Pacific Fishery Management Council; Public Meetings](#) (published by the National Oceanic and Atmospheric Administration (NOAA) on 04/15/2019)

The Western Pacific Fishery Management Council (Council) will hold meetings in Honolulu of its Protected Species Advisory Committee (PSAC), Archipelagic Fishery Ecosystem Plan (FEP) Team (APT), Pelagics FEP Plan Team (PPT), and the Fishery Data Collection and Research Committee—Data Technical Sub-Committee (FDCRC-DTC) to discuss fishery issues and develop recommendations for future management of archipelagic, pelagic and protected species. The PSAC meeting will be held on May 1 & May 2, 2019. The APT meeting will be held on May 6 & May 7, 2019. The FDCRC-DTC meeting will be held on May 8, 2019. The PPT meeting will be held on May 9 & May 10, 2019. For times, agendas and information, click on the linked title to this entry.

Notice: [Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement](#) (published by NOAA on 04/16/2019)

NMFS announces a public meeting via conference call of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) on June 10, 2019. For times, agendas and information, click on the linked title to this entry.

Notice: [Marine Mammals; File No. 21476](#) (published by NOAA on 04/08/2019)

Notice is hereby given that Lars Bejder, Ph.D., University of Hawai'i at Mānoa, 46-007 Lilipuna Road, Kane'ohe, Hawai'i 96744, has applied in due form for a permit to conduct scientific research on cetaceans. **Written, telefaxed, or email comments must be received on or before May 8, 2019.** Please click on the linked title to this entry for additional information.

Notice: [Marine Mammals; File No. 22750](#) (published by NOAA on 04/16/2019)

Notice is hereby given that Rachel Cartwright, Ph.D., Keiki Kohola Project, 1330 Sabal Lakes Road, Delray Beach, FL 33445, has applied in due form for a permit to conduct research on marine mammals. **Written, telefaxed, or email comments must be received on or before May 16, 2019.** Please click on the linked title to this entry for additional information.

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 CONSULTATION

Wailua Sewage Pump Station (SPS) No. 1 Rehabilitation

Island	Kaua'i
District(s)	'Ele'ele Ahupua'a, Kona District
TMK(s)	(4) 3-9-006: 019
Proposing & Approving Agency	State of Hawai'i, Department of Health, Environmental Management Division, Wastewater Branch Jon Nagato, (808) 586-4294, jonathan.nagato@doh.hawaii.gov 2827 Waimano Home Road, Rm. 207, Pearl City, HI 96782
Consultant	The Limtiaco Consulting Group, Inc.; 1622 Kanakanui Street, Honolulu, HI 96817 Joe Kwan, (808) 596-7790, joe@tlcgohawaii.com
Status	Send comments by May 23, 2019 to Proposing & Approving Agency contact (wwb@doh.hawaii.gov)

The Department of Health (DOH) initiated Section 106 of the NHPA consultation with the State Historic Preservation Division (SHPD) in accordance with 36 CFR Part 800. In 1990, the U.S. Environmental Protection Agency (EPA) designated the DOH to act on EPA's behalf, pursuant to 36 CFR §800.2 (c) (4), when initiating Section 106 of the NHPA process in connection with projects funded under the Hawai'i Clean Water State Revolving Fund (CWSRF). The DOH is providing funding under the CWSRF to the County of Kaua'i, Department of Public Works, Wastewater Management Division for the Wailua Sewage Pump Station (SPS) No. 1 Rehabilitation. The proposed project will utilize federal funding and is considered an undertaking, as defined by Section 106 of the NHPA, 54 U.S.C. §306101 et seq., and 36 CFR Part 800.

The undertaking consists of the rehabilitation of 12,462 linear feet of the 'Ele'ele Subdivision sewer system located in 'Ele'ele Ahupua'a, Kona District, Island of Kaua'i. The project is located at the Wailua Wastewater Treatment Plant. The facility, located at 4460 Nalu Road (TMK Parcel [4] 3-6-006:019), is owned and operated by the County of Kaua'i. The project is expected to extend the useful life of the pump station. The proposed work involves installation of two submersible pumps, abandonment of an existing drywell, and installation of new valves, piping, a flow meter, pipe supports, electrical wiring, and control panels.

The DOH has engaged SHPD to determine the presence of potential sites of historic importance within the vicinity of the project area as well as the potential impact of the project on such sites, if present.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ACTIONS

As a courtesy, listed below are documents submitted for publication that have been prepared pursuant to NEPA, rather than Chapter 343, HRS. Accordingly, these entries may have unique comment periods. Occasionally, actions are subject to both NEPA and Chapter 343, HRS. In those cases, a separate Chapter 343, HRS, entry would be published in *The Environmental Notice*.

Electrical Renovations at U.S. Coast Guard Air Station Barbers Point--Final EA and FONSI

Island/District	O'ahu/'Ewa
TMK(s)	(1) 9-1-013: 031, 063, 064, and State of Hawai'i DOT ROW
Permit(s)	NPDES Permit, Permit to perform work in the State Right of Way
Proposing Agency	United States Coast Guard Facilities Design and Construction Center, Detachment Seattle 915 2nd Avenue, Room 2664, Seattle, WA 98174 Raven J. Smith, (206) 220-7402, Raven.j.smith@uscg.mil
Approving Agency	John F. Barresi, Captain, U.S. Coast Guard Commanding Officer, Facilities Design & Construction Center 5505 Robin Hood Road, Suite K, Norfolk, VA 23513 (757) 852-3400
Status	Finding of No Significant Impact (FONSI) determination. Hard copies of Final EA can be requested from Proposing Agency.

The US Coast Guard proposes to renovate the electrical utility system for Air Station Barbers Point in Kalaeloa, O'ahu. Renovations include installation of a transmission distribution system in the State of Hawai'i Department of Transportation right-of-way. The action is needed to respond to the Navy's planned disposition of the existing system that is past its life expectancy.

GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the action's environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

Final Environmental Assessment and Finding of No Significant Impact

The action's proponent shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask the Environmental Court to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and to make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISPN must be incorporated into the subsequent Draft EIS.

Act 312-2012, Secondary Actions in the Highway or Public Right Of Way

Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5., entitled "Exception to applicability of chapter.") HEPA now allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The content requirements of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigation measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a Final EIS (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for style concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

If the FEIS is accepted, notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.



Ko Olina Bay, O'ahu

Photo by [Floyd Manzano](#)

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare a Federal EA or EIS. In many ways it is similar to Hawai'i's law. Some projects require both a State and Federal EIS and the public comment procedure should be coordinated. Upon request by a federal agency, OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Proposed uses of land in the State Conservation District require a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. This bulletin will include EAs & EISs for actions proposed within the Conservation District.

Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A portion of the SMA that is addressed by HRS 343 is the [Shoreline Area](#), which includes land between the State-certified shoreline and the county-determined shoreline setback line. This bulletin will include EAs & EISs for actions proposed within the Shoreline Setback Area.

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

Environmental Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). Agendas of their regular meetings are posted on the Internet and the public is invited to attend.

Administrative Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are exempt from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence (HAR 11-200-8(d)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).